

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 1-5, 8-12, 15-18, 20-22 and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (U.S. Patent No. 5,929,849) hereinafter "Kikinis."

Claims 6, 7, 13, 14, 19 and 23 are rejected under 35 U.S.C 103(a) as being unpatentable over Kikinis.

### **2. Response to § 102 Rejections**

#### **A. REJECTION UNDER SECTION 102**

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Kikinis discusses providing TV viewers with a link to supplementary information pertaining to displayed images received at a set-top box. This is accomplished by manually editing each frame of a pre-recorded presentation to insert a URL link and association data, corresponding to images within the frame that are associated with the URL link, in transmission regions between image frames (Col. 10, Ln 6-11). A viewer, by selecting an associated image entity within the displayed frame, causes the system to access the Internet through a channel (e.g., modem 35, ISDN 39) independent of the video channel (e.g., CATV 17), and to connect to a source on the Internet associated with the URL.

**Claims 1-5, 8-12, 15-18, 20-22 and 24-27 are rejected under Section 102 as being anticipated by Kikinis.**

Independent claims 1, 8 and 24 are similar and each substantially include the feature of creating an integrated video data stream by automatically integrating interactive content with a video data stream comprised of television (TV) broadcast content and transmitting the integrated video data stream to one or more receivers for display. Additionally, independent claims 15, 20, and 27 are substantially similar to claims 1, 8, and 24, and each include the feature of automatically integrating interactive content with the video data stream and transmitting the integrated interactive content and video data stream to one or more receivers for display and include the additional feature of downloading the interactive content prior to integration and transmission.

In contrast, Kikinis merely discusses, whether in a pre-recorded or live format, editing video data, frame by frame, by inserting a URL link between each frame and changing attributes associated with an image in the frame to create the association with the corresponding URL. In other words, because editing is required for each image associated with a URL in each frame, and the data space between each frame must also be edited to merely include a URL, Kikinis does not disclose creating an integrated video data stream by automatically integrating interactive content with a video data stream and transmitting the integrated video data stream to one or more receivers for display, as recited in the present claims.

Additionally, it is only after a user interacts with the image on the display that content associated with the URL may be downloaded from a source (e.g., modem) independent of the image frame source (e.g., cable TV). Therefore the downloaded content in Kikinis is not integrated with the video stream but instead relies on an independent network connection after the video data is received and a user interacts with an image in a frame previously altered to be associated with a URL. This in contrast to independent claims 15, 20, and 27, which principally recite downloading the interactive content prior to integration and transmission.

Therefore, because Kikinis does not teach, either expressly or inherently, every aspect of independent claims 1, 8, 15, 20, 24, 27, these claims are not anticipated by the cited art.

As a dependent claim is deemed to include the limitations of a claim from which it depends, the arguments presented above also address the rejections against the

dependent claims. Accordingly, the rejections against the dependent claims have been addressed, and withdrawal of these rejections is respectfully requested.

In light of the above, Applicant respectfully submits that the rejection under 35 U.S.C. § 102 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

### 3. **Response to § 103 Rejections**

#### B. REJECTION UNDER SECTION 103 (a)

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

**Claims 6, 7, 13, 14, 19 and 23 are rejected under Section 103(a) as being obvious in view of Kikinis.**

Adding what was known by a person having ordinary skill in the art at the time the invention was made to the teachings of Kikinis would not cure the defects of Kikinis to render the present claims obvious. Specifically, as discussed above, Kikinis does not teach, either expressly or inherently, creating an integrated video data stream by automatically integrating interactive content with a video data stream and transmitting the integrated video data stream to one or more receivers for display, or downloading the interactive content prior to integration and transmission, as recited in the present claims. Therefore, independent claims 1, 8, 15, 20, 24, 27 are patentable over the cited art.

As a dependent claim is deemed to include the limitations of a claim from which it depends, the arguments presented above also address the rejections against the

dependent claims. Accordingly, the rejections against the dependent claims have been addressed, and withdrawal of these rejections is respectfully requested.

In light of the above, Applicant respectfully submits that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

4. **Conclusion**

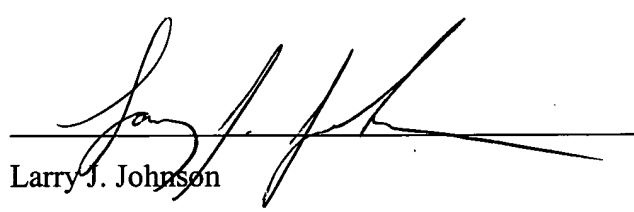
Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Elena Dreszer at (408) 947-8200 ext. 209.

Respectfully submitted,

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